

**RINCON BAND OF LUISEÑO MISSION INDIANS  
RINCON INDIAN RESERVATION, CALIFORNIA**



**RINCON ELECTION  
ORDINANCE #2004-01  
ESTABLISHING RULES FOR ELECTIONS  
RINCON TRIBAL CODE § 2.400**

Adopted October 20, 2004

ELECTION ORDINANCE

Rincon Tribal Code § 2.400

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Appendix A - Instructions to Voters Sheet

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**§ 2.400**      **PURPOSE AND INTENT**

The purpose of this Ordinance is to protect the integrity of Tribal elections through the establishment of rules and procedures for elections of the Rincon Band of Luiseño Indians of California.

**§ 2.401**      **AUTHORITY**

Pursuant to Section 5 of the Articles of Association of the Tribe, the Tribal Council is authorized to enact an ordinance prescribing the form of ballot, rules for calling elections, absentee balloting procedures, selection of election officials, establishment of polling places and other similar matters governing the administration and operation of the Band's electoral affairs.

**§ 2.402**      **DEFINITIONS**

(a) **“Articles of Association”** means that certain organizational document setting forth rules of procedure to govern the operations and recognize the governing body of the Tribe, adopted by the General Membership on February 14, 1960, and approved by the Commissioner of Indian Affairs on March 15, 1960.

(b) **“Attorney General”** means the chief legal officer of the Tribe appointed by the Tribal Council to execute the day-to-day governmental and commercial legal affairs of the Tribal Government.

(c) **“Ballot Box”** means the container holding all folded ballots pursuant to §2412(b)(5).

(d) **“Business Committee”** means the five-member Business Committee established under Section 3 (a) of the Articles of Association. "Business Committee" shall be synonymous with “Tribal Council” or “Rincon Tribal Council” as may be used in this Ordinance or any existing or future Tribal ordinance.

(e) **“Director of Tribal Administration”** means the employee appointed by the Tribal Council to execute the day-to-day administrative functions of the Tribal Government.

(f) **“Disqualified Ballot Box”** means the box that holds the inner labeled coin envelopes that have been disqualified by the Election Committee in accordance with vote counting procedures in Section 2.411(b)(4).

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(g) **“Election Committee”** shall mean the Band Members elected pursuant to Section 2.403 of this Ordinance to assist with election functions of the Tribe.

(h) **“Eligible Voters”** means all Band Members who qualify under Section 5 of the Articles of Association unless their voting privileges have been revoked due to conviction of a felony.

(i) **“General Membership”** means enrolled members who are twenty-one years (21) of age or older pursuant to Section 5 of the Articles of Association.

(j) **“Immediate Family”** means grandparent, parent, child, sibling, aunt, uncle or first-cousin.

(k) **“Instructions to Voters Sheet”** means the written instructions to voters sheet enclosed with the ballot in accordance with Section 2.408 of this Ordinance.

(l) **“Official Ballot Box”** means the box established at the polling place on Election Day that contains walk-in ballots pursuant to § 2.411(a)(2).

(m) **“Ordinance”** means this Rincon Election Ordinance, as amended from time to time.

(n) **“Ordinance No. 3”** means that certain ordinance enacted pursuant to Section 6(d) of the Articles of Association.

(o) **“Polling Register”** means the log of Eligible Voter signatures that is created on polling day in accordance with Section 2.411 of this Ordinance.

(p) **“Tally Sheet”** means an 8 ½ x 11 sheet of paper that is used by an Election Committee member to record each vote cast towards a ballot measure and/or candidate running for election.

(q) **“Tally Wall”** means a chalkboard, dry-erase white board, easel post-it pad sheet or any other similar stand-up board on display to the public at the polling location used by the Election Committee to record each vote cast for a ballot measure, and/or candidate running for office.

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(r) **“Tallied Ballot Box”** means the box containing each read and counted ballot in accordance with Section 2.412(b)(8) of this Ordinance.

(s) **“Teller’s Report”** means the official document of the total number of votes cast for each candidate or measure that is signed by the Election Committee members at the conclusion of the vote counting procedures in accordance with Section 2.412(c) of this Ordinance.

(t) **“Tribal Council”** means the five-member Business Committee established under Section 3 (a) of the Articles of Association. "Tribal Council" shall be synonymous with “Business Committee” or “Rincon Business Committee” as used in this Ordinance or any existing or future Tribal ordinance.

(u) **“Tribal Court”** means the Intertribal Court of Southern California or other tribal forum designated by the Tribal Council to hear and decide violations of Tribal Law.

(v) **“Tribal Government”** means the administrative and executive arms of the Tribe, its departments, committees, political subdivisions, agencies and enterprises.

(w) **“Tribal Law”** means the laws, ordinances, policies and procedures enacted by the Tribal Council.

(x) **“Tribe”** means the Rincon Band of Luiseno Indians of the Rincon Reservation, Valley Center, California, and the agencies, entities, arms and enterprises of the Tribe, as appropriate, either together or separately.

(y) **“Valid Ballot Box”** means the box containing the ballots of votes cast in accordance with Step 8 in Section 2.412(b)(8) of this Ordinance.

**§ 2.403**            **ELECTION COMMITTEE**

(a) At the regular meeting on the second Sunday in November, there shall be nominations from the floor. Of those nominated, there shall be three (3) voting committee members and two (2) Alternates elected to serve as the Election Committee for two (2) years.

(b) The three (3) persons with the highest votes shall serve as the Election Committee members, who have voting authority. The person receiving the highest number of votes shall serve as Chairperson for the committee. The Chairperson and the two (2) persons

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receiving the second and third highest number of votes shall be voting members of the committee.

- (c) The two (2) persons receiving the fourth and fifth highest votes shall serve as the committee Alternates. The Alternates shall participate in the counting of the ballots administration process. In order for the Alternates to participate and earn compensation, they must arrive no later than 5:00 p.m. on polling day.
- (d) If a committee member chooses to resign, they are to present a formal written resignation letter to the Election Committee with a copy to the Business Committee Chairman.
- (e) If the Chairperson of the committee resigns, the person who received the next highest votes assumes the responsibilities of the Chairperson who resigned.
- (f) Vacancies on the committee shall be filled immediately by the Alternate.
- (g) If at any time more than four (4) Election Committee members or Alternates combined resign, then the nominee who has the sixth highest votes would serve as the Election Committee member, and so on. The validity of the election is not jeopardized as long as there are at least three (3) committee members.
- (h) To serve on the Election Committee, you must be an enrolled Tribal Member twenty-one (21) years of age or older.
- (i) To serve on the Election Committee, the candidate shall not be a member of the Immediate Family of any of the nominees running for the following offices: Business Committee, Enrollment Committee or Grievance Committee.
- (j) The Election Committee Chairperson shall delegate responsibility to the other members of the committee.
- (k) It will be the responsibility of the Tribal Recording Secretary to keep a record of all nominee names, phone numbers, and votes received and forward the record to the Election Committee Chairperson on Monday immediately following the nomination meeting.

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**(l) Nomination Rules**

Nominations for the Election Committee shall come from the floor on the second Sunday of November every two years. A Tribal Member, 21 years of age or older, may nominate another Tribal Member, himself or herself so long as the nominee is present. Nominations do not require a second motion to be valid. Nominations shall not be closed until everyone has had an opportunity to participate.

**(m) Special Election for Election Committee**

- (1) If after exhausting the replacement process of §2.403 (g), there is a need to have an Election Committee election because the Election Committee does not have a quorum of three (3) members, then the Chairman of the Business Committee may hold an election at the meeting that is in session and must hold an election at the next regular meeting of the General Membership.
- (2) This election would be for the sole purpose of filling the vacated seats to bring the Election Committee to a total of three (3) voting members and two (2) Alternates in accordance with Section 2.403 of this Ordinance.

**(n) Compensation of Election Committee**

- (1) Compensation for Election Committee service is conditioned on a final election and signature of each Election Committee member on the Teller's Report.
- (2) Any Election Committee member that disagrees with the results reported on the Teller's Report may lodge a written protest prior to declaration of a valid election made by the Business Committee Chairman or Vice-Chairperson. The written protest must describe the reasons why the Teller's Report is inaccurate, or the nature of irregularities that occurred in the election.
- (3) Compensation for preparing and sending the ballots:

Chairman	\$350.00
Voting Member	\$250.00
Alternates	\$200.00

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Counting the ballots including poll voting:

Chairman	\$700.00
Voting Member	\$500.00
Alternates	\$400.00

(4) Committee members that are employees of the Tribe shall clock out and deduct from PTO in order to be eligible for compensation for participating in Election Committee activities during normal business hours of the Tribal Government.

**(o) Compensation for Alternates:**

If an Alternate participates in any process in lieu of another member, the Alternate shall be compensated the same as stated for the voting member. If the Alternate participates in the counting of the ballots administration process, then they shall be compensated \$400.00 for this service.

**(p) Meals on Election Day (Breakfast, Lunch, & Dinner)**

The Election Committee shall be reimbursed for up to a total of \$150.00 for breakfast, lunch, and dinner meal expenses, as required. It is up to the Election Committee to make arrangements for all meals on Election Day.

The Chairperson of the Election Committee shall within the pay period submit a payment request form to the Tribal Administrator for the mailing and counting of the ballots.

**§ 2.404      OFFICIAL VOTING ROLL**

(a) The Finance Department of the Band shall furnish to the Chairperson of the Election Committee an updated and current Official Voting Roll of all Eligible Voters for purposes of sending and counting ballots. The current updated Official Voting Roll shall contain the following:

- Names of each Eligible Voter;
- Mailing addresses of each Eligible Voter;
- Election numbers of those who would be eligible to vote on the day of the election;
- A check-off box for ballots mailed
- A check-off box for ballots received



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- (b) Those twenty-one (21) years or over on the day of the election are an Eligible Voter to be included on the Official Voting Roll.
- (c) The Finance Department shall provide the Official Voting Roll to the Chairperson of the Election Committee no later than the day after nominations. The Chairperson of the Enrollment Committee shall ensure that only Eligible Voters receive a ballot.
- (d) It is the responsibility of the Tribal Member to update his or her current address, the Official Voting Roll shall contain the address of record for the mailing of per capita payments.

**§ 2.405            NOMINATIONS FOR BUSINESS COMMITTEE**

- (a) Nominations shall be from the floor. No person shall be nominated for more than one Business Committee seat.
- (b) Existing Business Committee members are required to relinquish their current seat if nominated for an open position. Upon acceptance they will continue in their current Business Committee capacity/seat until the election results.
- (c) Nominations will then be opened up for the relinquished seat.

**§ 2.406            ELECTION DAY, TIME, AND LOCATION**

**(a) Regular Annual Elections**

- (1) The closing date for the regular General Membership Annual Election is the Saturday prior to the second Sunday of December.
- (2) Receipt of walk-in ballots shall take place at the polling location stated on the ballot.
- (3) Ballot counting shall take place at the polling location stated on the ballot.
- (4) The polls shall be open from 9:00 a.m. to 5:00 p.m.

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**(b) Special Elections**

Special elections shall be held on the Saturday prior to the second Sunday of the month in which the special election is held.

**§ 2.407      THE BALLOT**

**(a) Official Seal**

- (1) The Tribal Administrator holds the official seal and provides it to the Election Committee Chairperson who shall be responsible for keeping and ensuring the security of the seal at all times.
- (2) The Election Committee Chairperson shall be authorized to obtain, keep and use the seal for purposes of creating valid ballots.
- (3) The Election Committee Chairperson shall affix the seal to all ballots sent to Eligible Voters.

**(b) Placement of Seal**

The Election Committee Chairperson shall cause the seal to be placed on the upper right hand corner of the ballots.

**(c) Contents of the Ballot**

- (1) All candidates' names or proposed amendments can be listed on the same ballot if each is marked in such a manner that there will be no confusion.
- (2) The closing date for return of the ballots to the Election Committee by mail shall be clearly stated on the ballot. The Election Committee will accept priority and overnight mail provided that the envelope can be folded and deposited in Box G.
- (3) The closing date for return of the ballot to the Election Committee by walk-in to the polling location shall be clearly stated on the ballot.

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**(d) Rules of the Ballot**

- (1) The ballot shall be secret, which means that the Eligible Voter's choices are anonymous.
- (2) There shall be a number on the ballot located on the bottom right corner.
- (3) The ballot shall be pre-folded sufficiently to eliminate any chance of accidental observance.
- (4) No Eligible Voter shall sign or print his or her name on the ballot.
- (5) The incumbent running for re-election to a committee shall be listed as the first candidate for each office on the ballot.
- (6) All other candidates shall be listed in the order they were nominated.

**(e) Certification and Review of the Ballot**

- (1) The Chairperson of the Election Committee is responsible for certifying that the ballot is true and correct.
- (2) The Chairperson of the Election Committee shall submit a copy of the certified ballot to the Rincon Business Committee for review and approval at least three (3) days prior to mailing the ballot to Eligible Voters.

**§ 2.408      INSTRUCTIONS TO VOTERS SHEET**

Every voter packet mailed to Eligible Voters shall be mailed with Instructions to Voters Sheet, attached as Appendix A to this Ordinance, describing the rules applicable to the voter's handling, marking and returning of the ballot, casting votes in-person on Election Day, replacement ballots and circumstances for ballot disqualification.

**(a) Filling Out and Refolding the Ballot**

- (1) On the ballot, place an "X", check mark "✓" or completely fill in the box next to the candidate of your choice for each office. (You may only vote for one candidate in each office or as indicated on the ballot.) If there is a ballot initiative that has a "yes" or "no"

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then apply the mark inside the box of your choosing. Do not mark any other areas of the ballot.

Examples ☒ ☑ ■ are all acceptable.

- (2) If you do not wish to vote for the candidate listed on the ballot, you may WRITE-IN the name of the person of your choice in the space provided.

**DO NOT SIGN YOUR NAME ON THE BALLOT.** If you sign your name on the ballot, it will be disqualified. It is strongly recommended that you do not put any marks, doodling, graffiti or tagging or any other writing on the ballot which could cause the ballot to be unidentifiable. If your ballot is unidentifiable as to whom you voted for, it will be disqualified.

- (3) Refold your ballot in the same manner as you received it and place it in the inner labeled coin envelope (the smallest envelope) which contains a label for your printed name, signature, and enrollment number, and seal the envelope.

**(b) Inner Labeled Coin Envelope**

- (1) It is strongly recommended that you clearly print and sign your name and print your enrollment number in a legible fashion in order to help the Election Committee easily identify who you are.
- (2) Print your name on the inner labeled coin envelope on the line provided for your printed name to help the Election Committee determine who signed the inner labeled coin envelope.
- (3) Sign your name on the inner labeled coin envelope on the line for your signature.
- (4) Place your inner labeled coin envelope which contains your folded ballot in the self-addressed return envelope labeled P.O. Box G and seal it.

**(c) Casting Your Ballot by Mail**

Mail the sealed self-addressed return envelope labeled P.O. Box G no later than the date stated on the ballot to reach the Election Committee prior to the mail pick-up time which is 12:00 noon on the vote by-mail closing date.

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**(d) Casting Your Ballot at the Polling Place**

You may cast your ballot in-person by bringing your sealed inner labeled coin envelope to the polling location during the polling times specified on the ballot on Election Day. Only the Eligible Voter may cast his or her own ballot. No person other than the voter may cast a ballot. The only exception is for Eligible Voters who are disabled and seniors and elders. Two Election Committee members may obtain the inner labeled coin envelope from the disabled and senior or elder voter(s) from the parking lot of the polling location.

**(e) Ballots Lost, Spoiled, or Not Received**

If a ballot is lost, spoiled, or not received, the Eligible Voter may request a substitute ballot at the polling location on Election Day only. The Election Committee is prohibited from mailing a substitute ballot to a voter.

**(f) Voters Following or Not Following the Instructions to Voters Sheet**

(1) If the Instructions to Voters Sheet is not followed exactly, the ballot may not be counted. The Election Committee shall protect the integrity of the election with the intent to count every ballot, unless there is evidence of fraud that would disqualify the ballot, the ballot shall be counted.

**INFORMATION REGARDING DISQUALIFIED COIN ENVELOPES WITH  
BALLOTS IN THEM**

Any “inner labeled coin envelopes” that are not identifiable shall be disqualified. If two inner labeled coin envelopes are received from the same voter then only the first inner labeled coin envelope shall be counted.

(2) The footer on the Instructions to Voters Sheet shall read as follows:

The polling location on Election Day shall be at:

(EXAMPLE FOR POLLING AT TRIBAL HALL)

Rincon Tribal Hall  
1 West Tribal Road  
Valley Center, CA 92082

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(EXAMPLE FOR 2017 ELECTION)

**SATURDAY, DECEMBER 10, 2017 FROM 9 a.m. to 5 p.m.**

**§ 2.409        SENDING BALLOTS**

**(a) Election Committee Instructions**

- (1) The Election Committee shall mail voter packets no later than the second Tuesday after nominations.
- (2) The Election Committee shall cause each voter packet to contain the following:
  - A. A stamped, return envelope addressed to the Election Committee at P.O Box G;
  - B. An inner labeled coin envelope with a pre-printed tribal enrollment number for each Eligible Voter to print and sign their name and print their enrollment number.
  - C. One (1) Instructions to Voters Sheet; and
  - D. One (1) official ballot, pre-folded a sufficient number of times to protect the secrecy of the Eligible Voter's choice.

**(b) Transporting Ballots to the Post Office**

- (1) The Chairperson of the Election Committee shall place the final voter packets in the see-through, plexiglass box that is locked for transportation to the Post Office.
- (2) The P.O. Box G lock box shall contain two hinges for two locks with two different keys, one to be held by the Election Committee Chairperson and the other to be held by one of the Election Committee members.
- (3) The Election Committee Chairperson and the one Election Committee member shall transport the ballots to the Post Office.

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**§ 2.410      PICKING UP BOX G MAILED-IN BALLOTS**

- (a) The two Election Committee members designated to pick up the ballots mailed to P.O. Box G shall not be in possession of the lock box keys. The keys to P.O. Box G shall remain in the possession of Election Committee members at the polling place on Election Day during the time that Box G is picked-up from the Post Office. Box G shall remain locked until the counting of the ballots begin.
  
- (b) All mailed ballots received after 12:00 noon on the closing date shall not be counted.

**§ 2.411      POLL VOTING**

**(a) Walk-in Ballots, Registration Requirement**

- (1) A walk-in voter must present valid, government-issued identification (tribal identification, passport or driver's license) to the Election Committee before signing the Polling Register.
  
- (2) The walk-in voter must sign the Polling Register before depositing his or her inner labeled coin envelope containing the completed ballot in the Official Ballot Box established for that Election Day.

**(b) Walk-in Ballots, Voter Requests for New/Duplicate Ballot**

- (1) If a voter has a lost, spoiled, or never received a voter packet, he may request a duplicate voter packet containing a new ballot at the polling place on Election Day.
  
- (2) A voter requesting a duplicate voter packet must present valid identification, sign and mark the reason for needing a duplicate voter packet on the Polling Register.
  
- (3) The Election Committee member shall verify and write in the enrollment number of the Eligible Voter requesting a duplicate voter packet on the Polling Register as well as the labeled coin envelope containing the ballot.
  
- (4) The Election Committee member verifying and writing in the voter's enrollment number shall also sign the Polling Register.

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- (5) The Election Committee shall provide a replacement voter packet to the Eligible Voter to mark the ballot, enclose the completed ballot in the labeled coin envelope, seal, sign and print his or name and deposit the sealed, labeled coin envelope into the Official Ballot Box.

(c) **Distance From Election Committee**

- (1) There shall be no politicking or campaigning within the fenced areas of the Polling Place while the polls are open from 9:00am to 5:00pm on Election Day.
- (2) The Election Committee shall assist one voter at a time at the Polling Place. Eligible Voters waiting their turn for assistance shall remain twenty-five (25) feet away from the Election Committee work area until each is called upon by the Election Committee one at a time.

§ **2.412**            **COUNTING BALLOTS (ELECTION DAY)**

(a) **Non-Interference of Election Process**

- (1) All voters shall stay at least 25 feet away from the Election Committee members and/or sort table and refrain from any kind of interference with the Election Committee during the execution of their duties.
- (2) The Election Committee Chairperson shall ensure that any chairs are a minimum of twenty-five (25) feet away from Election Committee members and/or sort table. The Election Committee may also erect a rope and/or any other barriers as to maintain the twenty-five (25) feet minimum distance.
- (3) All Election Committee Chairperson and members must refrain from having any personal dialogue with the audience during the execution of official duties.
- (4) The observance of the counting of ballots and tallying of votes is a privilege, not a right. Voters shall not interfere, disrupt, distract, badger or criticize the Election Committee during this process.
- (5) The Election Committee Chairperson will only give one verbal warning to voters who violate this rule.



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(6) The Tribal Law Enforcement staff, at the discretion of the Election Committee Chairperson, may be present at the polling location during the Election Committee's counting of the ballots.

(7) If the Election Committee has given a verbal warning to a voter, and the voter continues to interfere, disrupt, distract, badger or criticize the Election Committee, then the Election Committee Chairperson shall call Tribal Law Enforcement who shall issue a civil citation and penalty of \$250.00 to the voter.

**(b) Procedures for Counting Ballots**

**(1) Step 1 (Undelivered Envelopes)**

The Election Committee shall count the number of the undelivered envelopes containing ballots, announce it and enter the number on the Tally Sheet and Tally Wall. The Election Committee Chairperson shall secure all undeliverable envelopes in a secure box.

**(2) Step 2 (Returned Envelopes)**

All returned envelopes self-addressed to P.O. Box G shall be opened and the sealed inner labeled coin envelope containing the voter's printed name, signature, and enrollment number shall be removed keeping the inner labeled coin envelope sealed.

If there are two sealed inner labeled coin envelopes in a self-addressed Box G envelope from two different Eligible Voters, then both sealed inner labeled coin envelopes shall move forward to the Step 3 (Received Envelopes).

**(3) Step 3 (Received Envelopes)**

The sealed inner labeled coin envelopes that have the signature, printed name, and enrollment number of the voter, shall be marked as "received" on the Official Voting Roll and remain sealed. The Election Committee shall protect the integrity of the election with the intent to count all votes. If the seal/adhesive on the inner labeled coin envelope fails, unless there is evidence of fraud, the ballot shall be counted.

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**ACCEPTABLE SIGNATURE VARIATIONS:** Signatures shall be acceptable for the following variations in conjunction with the enrollment number. With the intent to count all votes, the Election Committee shall have the discretion to determine whether the voter signed as stated on the inner coin envelope. Examples of valid signatures are:

**John**

John A. Doe	John Doe	J.A. Doe
Johnny A. Doe	J. Adams Doe	
Jonathan A. Doe	Jonathan Doe	

The above examples apply to any Junior (Jr.) and Senior (Sr.) variations.

**(4) Step 4 (Inner Labeled Coin Envelopes)**

After all sealed inner labeled coin envelopes have been verified for printed name, signature, and enrollment number of the voter and marked as “received” on the Official Voting Roll, each is to be counted as the total number of inner labeled coin envelopes received and recorded in the Teller’s Report.

**INFORMATION REGARDING DISQUALIFIED “COIN” ENVELOPES**

Any returned “inner labeled coin envelopes” where the voter cannot be identified by the Election Committee and verified against the Official Voting Roll shall be disqualified and tallied by the Election Committee as an Invalid Vote. If two inner labeled coin envelopes are received from the same voter, only one will be counted.

If the Election Committee disqualifies an inner labeled coin envelope, they are to record in writing the reason for disqualification. Disqualified inner labeled coin envelopes shall be grouped together and set aside in a Disqualified Ballot Box. These document(s) shall be held until the Chairman or Vice Chairperson of the Business Committee officially declares the result of the election.

**(5) Step 5 (Removal of Folded Ballots)**

The sealed inner labeled coin envelope is opened and the folded ballot is removed. The ballot shall be placed folded into an empty Ballot Box.

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**(6) Step 6 (Storage of Empty Inner Labeled Coin Envelopes)**

The empty inner labeled coin envelope shall be either banded together or placed in the empty inner coin envelope box and held until the Chairman or Vice Chairperson of the Business Committee officially declares the results of the election.

**INFORMATION REGARDING DISQUALIFIED BALLOTS**

Any opened inner labeled coin envelopes containing more than one ballot shall be disqualified and tallied as Invalid Votes.

If the Election Committee disqualifies an envelope containing one or more ballots, they shall record in writing the reason for the disqualification on the Official Voting Roll and the Teller's Report. Disqualified opened labeled coin envelopes with ballots shall be grouped together and set aside in a Disqualified Ballot Box. These document(s) shall be held until the Chairman or Vice Chairperson of the Business Committee officially declares the results of the election.

**(7) Step 7 (Opening the Folded Ballot)**

After placing all folded ballots into the Ballot Box, each individual ballot will be completely unfolded and placed face down in one single pile.

**(8) Step 8 (Challenging the Validity of a Ballot)**

**(A)** The Election Committee Chairperson and voting members (not Alternates) are the only members who are authorized to challenge whether a ballot is valid or not. If an Election Committee member challenges the validity of a ballot, the majority vote of the Election Committee shall determine the validity of a ballot. It shall be the Election Committee's goal to qualify as many ballots as possible.

**(B)** If a ballot is deemed invalid and disqualified, the Election Committee shall record in writing the reason for disqualification. Disqualified ballots shall be either banded together or secured in a large folder or box and held until the Chairman or Vice Chairperson of the Business Committee officially declares the results of the election.

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**(9) Step 9 (Reading the Votes Cast)**

- (A) The Election Committee member shall read the votes cast for each valid ballot, including the votes cast for each candidate for each office and tally the votes on the Tally Sheet and the Tally Wall. Once the votes of each ballot are read, the valid ballots shall be placed into the Valid Ballot Box.
- (B) Once the counting of the ballots is initiated and the tally of votes begins, the Election Committee shall not have any dialogue with anyone other than an Election Committee member. The reading of each ballot and tallying of votes process shall be completed without a break until all valid ballots are read and counted on the Tally Sheet and Tally Wall. Each read and counted ballot shall be placed into a Tallied Ballot Box. If the Election Committee adjourns prior to reading the final ballot and tallying the final votes, the election shall be void.

**(10) Step 10 (Counting Ballots)**

After reading all of the ballots and tallying all of the votes, the Election Committee shall count the total number of valid ballots, invalid ballots, total ballots, and record on the Tally Sheet and Tally Wall.

**(11) Step 11 (Number of Votes)**

- (A) After all of the ballots have been read and tallied on the Tally Sheet and the Tally Wall, the Election Committee shall count the votes cast for each candidate in each office and/or ballot measure (including no votes cast and write-in votes) and total the number of votes on the Tally Sheet and Tally Wall.
- (B) The Election Committee shall verify the number of votes recorded on the Tally Sheet and the Tally Wall. If they agree, the Election Committee shall declare that the Tally Sheet and the Tally Wall are accurate. The Election Committee shall record that the total number of ballots cast have been counted.

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**Variance between Tally Sheet Count and Tally Wall Count**

If there is a variance between the number of votes recorded on the Tally Sheet and Tally Wall, the Election Committee shall recount the tallies for each candidate and each office to reconcile the variance. If the variance between the Tally Sheet and the Tally Wall cannot be reconciled, then the Election Committee shall re-read ballots and re-tally the votes.

If the win for any elected office is four (4) votes or less, then a recounting of the ballots and the votes for that office shall take place again.

**(12) Step 12 (Ballots and Envelopes Storage)**

Counted ballots and signed envelopes shall be kept in a secure place designated by the Election Committee Chairperson until the election is declared valid by the Business Committee Chairman or Vice Chairperson.

**(c) Teller's Report**

The Election Committee Chairperson shall prepare the Teller's Report that documents the: number of ballots mailed out, number of ballots returned, number of ballots disqualified, and number of valid ballots counted. Each member of the Election Committee shall certify the results of the election by signing the Teller's Report.

**(d) Passing on the Teller's Report**

(1) On the morning of the second Sunday of the Annual General Membership Meeting/Annual Election Meeting or Special Meeting, the Election Committee Chairperson shall provide a copy of the Teller's Report to either the Chairman or Vice Chairperson of the Business Committee. No Business Committee Chairperson-elect or Vice Chairperson-elect shall declare an election valid and certify the results of an election according to §2.413 of this Ordinance if the Chairperson-elect or Vice Chairperson-elect was a candidate running for office in that election.

(2) The Election Committee Chairperson shall keep a copy of the Teller's Report and provide a copy to the Tribal Administrator and the Attorney General.

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**§ 2.413      DECLARING THE RESULTS OF THE ELECTION**

- (a) The Business Committee Chairman or Vice Chairperson shall declare the election valid or invalid, provided that neither the Chairman nor Vice Chairperson, at the time of making that declaration, was a candidate running for office in that election.
- (b) The Business Committee Chairman or Vice Chairperson shall make the motion to burn all of the returned ballots after approval of the election from the Bureau of Indian Affairs, Southern California Agency office if the election amend the Articles of Association or Ordinance No. 3.
- (c) Once the Business Committee Chairman or Vice Chairperson has declared the election valid, he/she shall make the declaration public at the Annual General Membership Meeting, the second Sunday of December.

**§ 2.414      EFFECT OF ELECTION**

**(a) Seating of Newly Elected Officers and Members**

Newly elected officers and members shall be installed immediately upon their election.

**(b) Transmittal of Teller's Reports to Bureau of Indian Affairs**

The Chairman of the Business Committee shall cause tribal government staff to send the Teller's Report to the Bureau of Indian Affairs, Southern California Agency office.

**§ 2.415      DECLARING AN INVALID ELECTION**

- (a) The Business Committee Chairman or the Vice Chairperson shall have the authority to declare an election invalid, provided that neither the Chairman or Vice Chairperson making such declaration was a candidate running for office in that election, and provided further that the Chairman or the Vice Chairperson, consult with the Attorney General, or his or her designee, to determine whether the violation(s) of this Ordinance constitutes a reasonable likelihood that the result of the election would have been different had the violation(s) not occurred.

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- (b) If the Business Committee Chairman or Vice Chairperson declare an election invalid, he or she must provide a written justification and state his or her reasons on the record (in the minutes) at the time of making his or her declaration.
- (c) If the Business Committee Chairman or Vice Chairperson declares an election invalid, and believes postponement of the new election cycle is in the best interests of the Tribe, the Chairman or Vice Chairperson may postpone the new election so long as postponement is no longer than ninety (90) days.
- (d) The Chairman or Vice Chairperson of the Business Committee shall cause the Teller's Report to be sent to the Bureau of Indian Affairs, Southern California Agency office.

**§ 2.416 SEVERABILITY**

If any provision of this Ordinance shall be held unconstitutional or invalid by the Tribal Court, only the invalid provision or language shall be severed and the remaining provision and language of this Ordinance shall remain in full force and effect.

**§ 2.417 NO WAIVER OF SOVEREIGN IMMUNITY**

All inherent sovereign rights of the Rincon Band as a federally recognized Indian tribe with respect to provisions authorized in this Ordinance are hereby expressly reserved, including sovereign immunity from unconsented suit. Nothing in this Ordinance shall be deemed or construed to be a waiver of the Rincon Band's sovereign immunity from unconsented suit.

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APPENDIX A

**INSTRUCTIONS TO VOTERS**

**FILLING OUT THE BALLOT:**

- a) On the ballot, place an “X”, check mark “√” or completely fill in the box next to the candidate of your choice for each office. *(You may only vote for one candidate in each office or as indicated on the ballot.) If there is a ballot initiative that has a yes or no then apply the mark inside the box of your choosing.* Do not mark any other areas of the ballot. Examples: “X”, “√”, ■ are all acceptable.

*DO NOT SIGN YOUR NAME ON THE BALLOT. If you sign your name on the ballot, it will be disqualified. It is strongly recommended that you do not place any marks, doodling or any other writing on the ballot which could cause the ballot to be unidentifiable. If your ballot is unidentifiable as to whom you voted for, it will be disqualified.*

- b) Refold your ballot in the same manner as you received it and place it in the inner labeled coin envelope (the smallest envelope in your Voter’s Instructions Packet) which contains the label for your printed name, signature and enrollment number and seal the envelope.

**INNER LABELED COIN ENVELOPE:**

*It is strongly recommended that you clearly print and sign your name, in a legible fashion, in order to help the Election Committee easily identify who you are.*

- a) Print your name on the **inner labeled coin envelope** on the line provided for your printed name in order to help determine who signed the inner labeled coin envelope.
- b) Sign your name on the **inner labeled coin envelope** on the line for your signature.

Place your **inner labeled coin envelope** which contains your ballot in the self-addressed return envelope labeled PO Box G and seal it.

**CASTING YOUR BALLOT BY MAIL:**

Mail this envelope early enough to reach the Election Committee prior to the pick-up time which is 12:00 noon of the closing date.

**CASTING YOUR BALLOT AT THE POLLING PLACE:**

You may cast your ballot by bringing your sealed envelope in person to the Polling Place, only on Election Day, which is located at the **FORMER RINCON GAMING COMMISSION OFFICES**. (Only the eligible voter may cast his own ballot. No person other than the voter may cast any ballot. No voter may cast a ballot other than his own). Picture ID will be required for all walk in ballots.



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**LOST, SPOILED OR NOT RECEIVED BALLOTS:**

If a ballot is lost, spoiled or not received, the eligible voter may request a substitute ballot at the polling place on the Election Day **ONLY**.

**INSTRUCTIONS TO VOTERS:**

If the Instructions to Voters are not followed exactly, the ballot will not be counted.

**INFORMATION REGARDING DISQUALIFIED COIN  
ENVELOPES WITH BALLOTS IN THEM**

*Any "inner labeled coin envelopes" that are not identifiable shall be deemed disqualified. If two inner labeled coin envelopes are received from the same voter then only the first inner coin envelope shall be counted.*

**The Election Polls shall be located at:**

**FORMER RINCON GAMING COMMISSION OFFICES**  
**LOCATED NEXT TO THE RINCON TRIBAL ADMINISTRATION OFFICES**  
34322 Valley Center Road • Valley Center CA • 92082

(EXAMPLE FOR 2017 ELECTION)

**SATURDAY, DECEMBER 10, 2017 FROM 9 a.m. to 5 p.m.**

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